

REGULAR MEETING OF THE DEARBORN HEIGHTS CITY COUNCIL

FEBRUARY 24, 1998

98-072 The meeting was called to order at 8:05 p.m. by Council Chairman Joseph V. Kosinski.

Roll Call showed the following:

Present: Councilman Kenneth R. Baron, Councilwoman Janet L. Blackburn, Councilwoman Margaret M. Horvath, Council Chairman Joseph V. Kosinski, Councilman Daniel S. Paletko, Councilwoman Margaret Van Houten.

Absent: Councilman Gregg Zulinski. (Arrived at 8:16 p.m.)

Also Present: Mayor Canfield, Executive Assistant Heise, Corporation Counsel Berry-Harris, City Clerk Robbins, Deputy Clerk Lutz, Treasurer Riley, Comptroller Barrow, Financial Analyst Clark, Assessor Welch, Building & Engineering Director Opalewski, Police Chief Webber, Deputy Fire Chief Barnett, Recreation Director Grybel, Public Service Administrator Blackburn, Community Development Director Oliverio.

The Pledge of Allegiance was led by Lyskawa VFW Post 7546 Commander Frank Philips and Tom Wayne together with the Boy Scouts of America participating in Scouts in Government Day.

Commander Philips presented awards to the Policeman and Fireman of the year. Pump Operator Keith Day, an 11 year veteran was honored as Fireman of the Year by his co-workers. Police Lt. David La Benne, a 25 year veteran was honored as Policeman of the Year by his co-workers. Officer La Benne's son Tim accepted for his dad in his absence.

Mayor Canfield and Troop Leader Patrick Olk presented Acknowledgment Awards to Boy Scouts who participated in Scouts in Government Day. Several members from Troops 1111, 1154, 1148 and 1163 were present. Jason Reaves, T.J. Odle, Lee Wade, Ben Dwyer, Kevin Guinn, Robert Hartwig, Greg Olk, Jordan Sames, Stefan DeSmet, Eric Hawkinson, Brandon English, David Danilowicz, Matthew McClellon and Noah Biechler received awards.

98-073 Motion by Councilman Baron, seconded by Councilwoman Blackburn, that the Agenda for the Regular Meeting of February 24, 1998 be approved with the addition of Agenda item 13-H (Transfer Ownership of SDM License).

Motion unanimously adopted.

98-074 Motion by Councilman Zulinski, seconded by Councilwoman Van Houten, that the Minutes from the Regular Meeting of February 11, 1998 be approved as submitted.

Motion unanimously adopted.

The Public Hearing for Floodplain and Wetland Protection was called to order at 9:56 p.m. by Council Chairman Joseph V. Kosinski.

Council Chairman Kosinski asked City Clerk Robbins to read the first paragraph of the official Notice of Public Hearing.

City Clerk Robbins stated the City of Dearborn Heights is considering funding, with Community Development Block Grant (CDBG) monies, several projects which are located partially or fully within the 100-year floodplain. Use of federal funds requires compliance with federal Executive Orders 11988, Floodplain Management and 11990, Protection of Wetlands.

Community Development Director Oliverio proceeded with the information on the public

hearing.

Pursuant to the procedure for floodplain management and the protection of wetlands specified in Executive Orders 11988 and 11990, the City of Dearborn Heights, Wayne County, Michigan is required to notify and involve the public of actions proposed to be undertaken within or which may appreciably affect a floodplain.

This Public Hearing is convened to notify the public that the City is considering using Community Development Block Grant (CDBG) funds to finance several projects which lie within the 100-year floodplain. This is the flood area which has a one (1) percent chance of occurrence in any given year. This public hearing is undertaken to solicit public opinion on our on-going analysis examining alternative sites, alternative locations and alternative actions to those being proposed at this hearing.

Since this is a full agenda, questions or comments on the boundaries, extent and location of the floodplain, specifically whether or not certain areas of the City should be designated as within the 100-year floodplain are best referred to another forum.

The City is evaluating the consequences of undertaking the activities with respect to impacts on the natural environment (topography, wildlife habitat, etc.), social concerns (aesthetics, public services), economic aspects (employment, land use pattern), and legal constraints (conformance with local zoning/land use plans).

The City recognizes that other governmental agencies must review and in some instances issue permits, prior to the City undertaking work within the floodplain. For example, a floodplain occupation permit is required when anything is built above ground in the floodplain from the Michigan Department of Natural Resources. The City is also contacting appropriate agencies having responsibility for floodplain management and wetlands protection.

For housing rehabilitation activities, the City will give funding priority to nonfloodplain locations. If in the floodplain area, rehabilitation loans are approved, the owner of the property must carry flood insurance in the amount of the loan, for the term of the loan.

The projects selected for funding and their locations are:

1. Residential Rehabilitation Program - The City proposes to provide low interest loans for rehabilitating housing units occupied by lower income families (City-wide). The City is allocating \$150,000 of its 1998-99 allocations for this program.
2. Recreation Center Bond Program - The City is proposing to provide \$220,000 for a bond payment for the Community Recreation Center at Powers (Swapka) Park located at Powers and McKinley Street in the City's south end. This is a continuing activity.
3. Parkland Park Improvements (Phase III) - This park, located on the City's northeast side of Ann Arbor Trail, has been only minimally developed and 43 acres of it, located on the opposite side of the Middle Branch of the Rouge River, have remained completely undeveloped. The 1996 City Recreation Plan and the Parkland Park Master Development Plan, have identified recreational facility improvements, river bank stabilization, construction of a skating rink, archery range and playscape, installation of a comfort station, improvements to the existing parking lot and relocation of the park entrance. The City plans to allocate \$200,000 of its 1998-99 CDBG funds for Phase III improvements.
4. Curb-Cuts and Slopes for Americans with Disabilities Act (ADA) Access Improvement - Street curbs present barriers to persons with mobility limitations. There are hundreds of street corner curbs that need to be cut and slopes installed to remove barriers to pedestrian access. Without installation of curb-cuts and slopes, the mobility impaired residents of the City will not have free and equal access to move about in the City, to shop, work, play, go to school or use City community services. The City plans to budget \$70,000 of reprogrammed

funds from the 1997-98 program year to address these needs in the CDBG eligible areas of the City's north end the area roughly bounded by Hayden on the east, Telegraph on the west, Warren on the north and Ann Arbor Trail on the south. This area is also the home of many senior citizens. If this activity can be completed for less than the estimated \$70,000, then the City plans to allocate the remaining funds to the installation of curb-cuts and slopes in the City's south end in the area south of Annapolis and east of Pelham.

5. Early Warning System - The City's current early warning system, installed in the 1950's is obsolete, does not meet current national performance standards, is in disrepair and functions poorly. The recently completed Strategic Plan, developed by a community-wide group of citizens identified the City's early warning system as a public facility in need of replacement and expansion. This joint funding program will use funds from the City's Tax Increment Financing Authority (TIFA) in the south end to improve and replace the City's early warning system. The City plans to reprogram \$83,100 from the 1997-98 CDBG program year to install five early warning towers. They will be located in low and moderate income neighborhoods at the following locations: Polk School, Fire Station No. 2, Parkland Park, Telegraph Road at Ann Arbor Trail and Hines Drive and Clairview (at the Rouge River).

All actions undertaken in the process of implementing each of these projects will conform to all applicable local, state and federal floodplain protection standards. We are ready to answer any questions or comments the Council or the public may have relative to the projects being proposed.

Council Chairman Kosinski asked if there were any questions from Council body? Council Chairman Kosinski asked if there were any questions or comments from the general public, hearing none, he asked that the Public Hearing for Floodplain and Wetland Protection be closed.

- 98-075** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the Public Hearing be closed.

Motion unanimously adopted.

The Public Hearing for Floodplain and Wetland Protection closed at 10:05 p.m.

- 98-076** Motion by Councilman Paletko, seconded by Councilwoman Horvath, that Fund Transfer 6-A be approved.

- A. \$6,500.00 from A/C 101-335-708-000 (Volunteer Account) to A/C 101-335-709-000 (Overtime) \$ 5,500.00 and A/C 101-335-728-000 (Office Supplies) \$1,000.00 to cover funds needed in overtime and office supply accounts.

Motion unanimously adopted.

- 98-077** Motion by Councilman Zulinski, seconded by Councilwoman Van Houten, that Current Claims 6-1 through 6-17, be approved as submitted.

1. BS & A SOFTWARE - Maintenance Equalizer Software One Year - Inv. 978026 dated 02/11/98 from A/C 101-209-818-000 (Contractual Services) \$2,000.00. Assessor.
2. CITY OF DEARBORN - Water & Sewer Charges 10/8/97 to 01/26/98 - Inv. 52424 dated 02/12/98 from A/C 592-537-928-000 (Water Purchased) \$1,175.71 and A/C 592-537-929-000 (Sewage Disposal) \$3,590.63. Water Dept.
3. I.B.M. - Maintenance Agreement AS 400 Computer - Inv. 2397441 from A/C 101-258-932-000 (Repair & Maint) \$5,682.09 and A/C 592-536-932-000 (Repair & Maint) \$5,682.09. Data Processing.
4. ISMA INC. - Computer Equipment Upgrade - Inv. 502361 dated 02/03/98, CM 97-640 from A/C 101-300-981-000 (Capital Outlay) \$5,885.00 and A/C 101-300-818-000 (Contractual Services) \$25.00. Police Dept.

5. LAURA BERRY-HARRIS - Legal Services December 1997 - Inv. dated 01/26/98 from A/C 101-210-826-000 (Counsel Services) \$7,496.12. Corp. Counsel.
6. GARY MIOTKE - Legal Services December 1997 - Inv. dated 01/26/98 from A/C 101-210-826-000 (Counsel Services) \$2,732.00. Corp. Counsel.
7. NAGEL CONSTRUCTION - Sewer Cleaning Program 01/14/98 to 01/31/98 from Inv. 1083 and 1082 dated 02/04/98 from A/C 592-540-818-000 (Contractual Services) \$36,930.72. Water Dept.
8. PAINTER & RUTHENBERG - Roll-Off Services January 1998 - Inv. 16052 dated 02/04/98 from A/C 101-200-810-000 (Sanitation) \$1,840.00. General Govt.
9. QUAD TRAN OF MICHIGAN - Data Processing February 1998 - Inv. 2797 dated 01/30/98 from A/C 101-130-818-000 (Contractual Services) \$3,135.00 and A/C 101-130-728-000 (Office Supplies) \$706.22. District Court.
10. RIC-MAN CONSTRUCTION - Downriver Relief Sewer Project - Cert. #5 dated 02/11/98 from A/C 592-XXX-154-000 (Sewers) \$190,716.30. Water Dept.
11. SENIOR ALLIANCE - Annual Dues - Ck. Req. dated 11/05/97 from A/C 101-691-885-000 (Senior Citizens) \$3,650.00. Recreation.
12. WADE-TRIM/ASSOCIATES - Inspection Days Downriver Relief Sewer - Cert. #5, Inv. 56412 dated 02/01/98 from A/C 592-XXX-154-000 (Sewers) \$6,997.36. Water Dept.
13. WADE-TRIM/ASSOCIATES - South Dbn. Hts. Benchmark Network - Inv. 55762 dated 12/08/97 from A/C 592-540-818-000 (Contractual Services) \$11,009.60. Water Dept.
14. WAYNE COUNTY DEPT. OF ENVIRONMENT - Overpayment of SRF Funds Downriver Sewer - Ck. Req. dated 01/06/98 from A/C 592-000-681-592 (SRF Funds Downriver) \$8,559.00. Water Dept.
15. WAYNE COUNTY DEPT. OF ENVIRONMENT - Principle & Interest Rouge Valley 1995 Bonds - Inv. 87576 and Inv. 87574 dated 02/05/98 from A/C 592-905-991-000 (Principle) \$110,000.00 and A/C 592-905-995-000 (Interest) \$24,910.58. Water Dept.
16. WEBNET, INC. - Dial-up Services - Inv. 19399 dated 02/16/98 from A/C 101-200-819-999 (Webnet) \$5,452.00. General Govt.
17. WESTLAND TREE SERVICE - Tree Trimming & Removals - Inv. dated 02/18/98 from A/C 101-440-820-000 (Tree Trimming) \$5,971.61. DPW-Highway.

Motion unanimously adopted.

- 97-078** Motion by Councilman Baron, seconded by Councilman Zulinski, that the low bid from Hitch House, 9102 Telegraph, Redford, MI 48239, for one (1) Equipment Trailer, in the amount of \$3,076.61, and payment thereof, be approved, per Fire Chief Langlois, communication dated February 4, 1998. Funds for this purchase have been approved through the Community Development Block Grant Program.

Motion unanimously adopted.

- 97-079** Motion by Councilman Paletko, seconded by Councilman Zulinski, that the City Comptroller be authorized to advertise for bids, per specifications, for the 1998 Sidewalk Ramp Program and the 1998 City Sidewalk Program, per the request of Building & Engineering Director Opalewski, communication dated February 12, 1998. The bid package to be considered two separate bid items.

Motion unanimously adopted.

- 97-080** Motion by Councilman Zulinski, seconded by Councilwoman Blackburn, that the City Comptroller be authorized to advertise for bids, per specifications, for Legal Printing, per the request of Comptroller Barrow, communication dated February 17, 1998.

Motion unanimously adopted.

- 97-081 Motion by Councilman Paletko, seconded by Councilman Zulinski, that proposed Ordinance H-98-05, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY ADDING SECTION 32-424 PROVIDING FOR LOCAL ENFORCEMENT OF SPECIFIC PROVISIONS OF THE MICHIGAN VEHICLE CODE, MICHIGAN COMPILED LAWS SECTION 257.675 ET. SEQ., AS AMENDED (Handicapper Parking Identification Devices), be considered read for the first time.

Motion unanimously adopted.

- 98-082 Motion by Councilman Baron, seconded by Councilwoman Horvath, that the City Council concurs with and approves the Right-of Way Permit Agreement with Comcast Cablevision of Taylor, Inc. for fiber-optic wire extending from the City of Taylor to the City of Inkster along John Daly Road per, Executive Assistant Heise, communication dated February 17, 1998. Annual fee to be paid to the City \$1,280.00. Further, that the Mayor and City Clerk sign the agreement on behalf of the City.

Motion unanimously adopted.

- 98-083 Motion by Councilwoman Van Houten, seconded by Councilman Zulinski, that the City Council concurs with and approves Change Order No. 1 to Giannetti Contracting Corporation, 6340 Sims Drive, Sterling Heights, MI 48313 for a decrease in the contracted cost of \$21,010.94 relative to the Jackson Street Water Main Replacement Program per, Community Development Director Oliverio, communication dated February 13, 1998. Further, that the Mayor and City Clerk sign on behalf of the City.

Motion unanimously adopted.

- 98-084 Motion by Councilwoman Horvath, seconded by Councilwoman Blackburn, that the City Council concurs with and approves a lease agreement with Xerox Corporation for one (1) 5837A copier, at a monthly rate of \$290.09 for 36 months with print charges of \$.0100 per, Public Service Administrator Blackburn, communication dated February 16, 1998. This item has been budgeted in 1997-98 Capital Outlay. Further, that the Mayor and City Clerk sign the lease agreement.

Motion unanimously adopted.

- 98-085 Motion by Councilwoman Horvath, seconded by Councilman Zulinski, that the communication from Public Service Administrator Blackburn, dated January 30, 1998 re: Interior and exterior cleaning and painting of the Department of Public Works building be referred to a Committee of the Whole Study Session March 3, 1998.

Motion unanimously adopted.

- 98-086 Motion by Councilman Zulinski, seconded by Councilwoman Horvath, that the City Council concurs with and approves the computer upgrades for the City Watch Messaging System which include an expanded GIS mapping software program and modem in the amount of \$500.00 per, Police Chief Webber, communication dated February 5, 1998. Funds for this purchase are available from Federal COPS Grant.

Motion unanimously adopted.

- 98-087 Motion by Councilman Paletko, seconded by Councilman Zulinski, that proposed Ordinance H-98-03, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-86(1)(b) AND BY ADDING SECTION 36-81(1)(d) OF CHAPTER 36 OF SAID CODE, PROVIDING

*Amended 2-22-04 CM 05-061 - Connection 36-81 TO 36-86
5
Ord. republished 3-9-05 Mel*

FOR THE DETERMINATION OF LOT SPLITS IN VARIOUS ZONED DISTRICTS, be considered read for the second time to become effective upon publication in the City's official newspaper.

Motion unanimously adopted.

- 98-088** Motion by Councilman Baron, seconded by Councilwoman Horvath, that proposed Ordinance H-98-04, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 134 OF CHAPTER 35 OF SAID CODE, PROVIDING FOR THE ADOPTION BY REFERENCE OF AMENDMENTS TO THE CODE OF FEDERAL REGULATIONS REGARDING THE DISCHARGE OF WASTEWATER INTO WASTEWATER COLLECTION AND TREATMENT SYSTEMS, TO ESTABLISH NEW REGULATORY REQUIREMENTS FOR CENTRALIZED WASTE TREATMENT FACILITY DISCHARGERS AND GROUNDWATER DISCHARGERS, TO PLACE NEW RESPONSIBILITY UPON INDUSTRIAL USERS FOR CONDUCTING SELF-MONITORING AND WASTE MINIMIZATION ACTIVITIES, AND TO MODIFY THE APPEAL AND RECONSIDERATION PROCESS AVAILABLE TO INDUSTRIAL USERS FOR REDRESS OR ADMINISTRATIVE ACTIONS BY THE CITY OF DETROIT WATER AND SEWERAGE DEPARTMENT AND CITY OF DEARBORN HEIGHTS, be considered read for the second time to become effective upon publication in the City's official newspaper.

Motion unanimously adopted.

- 98-089** Motion by Councilman Baron, seconded by Councilwoman Horvath, that a duplication fee of \$6.00 for duplication of the Ordinance H-98-04, CITY OF DETROIT WASTEWATER DISCHARGE ORDINANCE REVISION be approved.

Motion unanimously adopted.

- 98-090** Motion by Councilwoman Blackburn, seconded by Councilwoman Horvath, that proposed Ordinance H-98-06, AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTIONS 23-29 AND 23-30 OF CHAPTER 23 OF SAID CODE, PROVIDING FOR THE COMPOSITION, APPOINTMENT AND TERMS OF THE CITY PLANNING COMMISSION, be considered read for the first time.

Motion unanimously adopted.

- 98-091** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the City Council concurs with and approves a budget amendment to cover the maximum amount of the contract with Richard A. Prister and Associates for professional services associated with the new Fire Station.

INCREASE REVENUES
#101-000-699-000

APPROPRIATE FROM FUND BALANCE
\$14,500.00

INCREASE EXPENDITURES
#101-261-817-000

BLDG AUTH PROFESSIONAL/CONSULTANT
\$14,500.00

per, Treasurer Riley, communication dated February 18, 1998.

Motion unanimously adopted.

- 98-092** Motion by Councilman Baron, seconded by Councilman Zulinski, that authorization be given for payment of Billing No. 1, in the amount of \$4,500.00 to Richard A. Prister and Associates, P.C. for professional services associated with the new Fire Station.

Motion unanimously adopted.

- 98-093** Motion by Councilman Baron, seconded by Councilman Zulinski, that Permanent Traffic Control Device Request T-83, "Stop" sign at eastbound and westbound Belton at Riverview to assist in traffic control and make the intersection uniform with other intersections in the area, per Police Captain Michael Gust, communication dated February 4, 1998, be approved.

Motion unanimously adopted.

- 98-094** Motion by Councilman Baron, seconded by Councilwoman Blackburn, that the City Council concurs with and approves the request from Moslem Shrine Temple for their 1998 Annual Moslem Temple Hospital Fund Drive to benefit Shriners Hospitals for Children scheduled for Friday, Saturday and Sunday, June 12, 13 and 14, 1998. This is not a door-to-door solicitation.

Motion unanimously adopted.

- 98-095** Motion by Councilman Paletko, seconded by Councilwoman Van Houten, that the City Council concurs with the recommendation of the Planning Commission, PC 97-14, for the rezoning of property located at 25996 Van Born Road from C-1 (Neighborhood Business District) to C-2 (General Business District) for the establishment of a used car lot. Further, that Corporation Counsel be authorized to prepare the proper ordinance.

Motion unanimously adopted.

- 98-096** Motion by Councilwoman Horvath, seconded by Councilman Baron, that the request from YASH, Inc., 27247 Joy Road, Dearborn Heights, MI 48127 to transfer ownership of 1997 SDM license from Chem Tech Resources, Inc. to Jaiminkumar Pandya, 24801 Pembroke, Detroit, MI 48219, and Shishir Purphit, 26 Perry, Union, NY 07083, be approved and the Liquor Control Commission be so notified. #970005397 NLL.

Motion unanimously adopted.

- 98-097** Motion by Councilman Baron, seconded by Councilwoman Van Houten, that the request from Hayat Gazgus, 26156 Buster, Warren, MI 48091 to transfer ownership of 1997 SDD-SDM licensed business from Y & K Lucky Star, Inc, 22113 W Warren, Dearborn Heights, MI 48127, be approved and the Liquor Control Commission be so notified. #970003484 NLL.

Motion unanimously adopted.

- 98-098** Motion by Councilman Baron, seconded by Councilman Zulinski, that the 1998-99 business license for Rose Garden Restaurant, 5680 N Telegraph, Dearborn Heights, be approved.

Motion unanimously adopted.

- 98-099** Motion by Councilman Baron, seconded by Councilwoman Horvath, that the request from Patricia A. Segedi, 6443 Vernon, Dearborn Heights, MI 48127 to transfer ownership of 1996 SDM licensed business from Frank & John V. Segedi, 5704 N Telegraph, Dearborn Heights, MI 48127, be approved and the Liquor Control Commission be so notified. #960004466.

Motion unanimously adopted.

98-100 Motion by Councilman Zulinski, seconded by Councilwoman Van Houten, that the meeting be adjourned.

Motion unanimously adopted.

The meeting adjourned at 10:55 p.m.

JOYCE A. ROBBINS
CITY CLERK

JOSEPH V. KOSINSKI, CHAIRMAN
CITY COUNCIL

MARIA E. LAWRENCE
RECORDING SECRETARY